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Agenda items 16, 49 and 67

Question of Palestine

Culture of peace

Elimination of racism, racial discrimination, xenophobia and related intolerance

Security Council
Sixty-fifth year

Identical letters dated 23 August 2010 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

In follow-up to my letter dated 9 April 2010 (A/ES-10/486-S/2010/184) and the letter dated 20 April 2010 from the Permanent Representative of Kuwait (A/64/751-S/2010/202), I am compelled to once again draw your attention to the very serious matter of the continued desecration and destruction by Israel of the historic Muslim Ma'man Allah (Mamilla) Cemetery in Jerusalem. These deplorable actions are being undertaken as the Israeli authorities continue to attempt to clear these hallowed grounds for the construction of a so-called "Centre for Human Dignity and Museum of Tolerance" as well as the construction of a "judicial complex" on another part of the Cemetery. The building of such institutions of "tolerance" and "justice" via the disinterment of human remains and the destruction of hundreds and hundreds of graves is obscene and appalling and should be offensive to any individual with moral conscience and basic human sensitivity.

As noted in the earlier letters, the Mamilla Cemetery is an ancient Muslim burial ground and holy site dating back at least to the twelfth century, where thousands of Palestinian families, religious figures and officials, scholars and martyrs have been laid to rest. For decades, this Cemetery has been recognized as a historic site, central to the Islamic religious sites and heritage in the City of Jerusalem, and was declared a historic site by the Muslim Supreme Council in 1927 and an antiquities site by the British Mandate authorities in 1944. For hundreds of years the Waqf (Islamic Endowment) of Jerusalem had cared for the Cemetery, but it has been prevented by Israel from accessing the Cemetery grounds since 1967, causing it to fall into disrepair. Even families of the deceased who have attempted

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over the years to repair and clean gravesites have faced obstructions, with repairs being destroyed or removed by Israeli authorities, ensuring that the Cemetery remains in constant disrepair.

Regrettably, in grave disrespect of the universal norms regarding burial sites, which are to be protected and preserved, in grave disrespect of the sensitivities and rights of the descendants of those buried in the Mamilla Cemetery and in a display of blatant contempt and disregard for Islamic religious and Palestinian cultural sensitivities, the Israeli authorities have carried out yet another wave of destruction in the Cemetery. Following the desecration and bulldozing of 1,500 graves last year, this month the Israeli authorities carried out the destruction of at least 150 recently restored tombs and grave markers as well as several older tombs in the Cemetery, disinterring more human remains. This condemnable act of destruction was carried out despite the fact that the Israeli court-appointed custodian of the Cemetery, Hajj Mustafa Abu Zahra, was permitted during the past few months to undertake minor maintenance and renovations in the Cemetery. Moreover, excessive force was used against those protesting this latest desecration of the Cemetery, including against Hajj Abu Zahra, who with other Jerusalemites tried to block the bulldozers.

We have thus been compelled to again draw your attention to Israel's disrespect for this historic Islamic burial ground as well for other religious and cultural heritage sites in the City of Jerusalem, which clearly amount to desecration and blatant intolerance. In this regard, it must be pointed out that several impartial reports have addressed the vulnerability of religious and historic sites in the Occupied Palestinian Territory and in Israel. This includes the 2009 International Religious Freedom Report of the United States State Department, which noted that the Government of Israel "implements regulations only for Jewish sites. Non-Jewish holy sites do not enjoy legal protection ...", and that "while well-known sites have de facto protection as a result of their international importance, many Muslim and Christian sites are neglected, inaccessible or threatened by property developers and municipalities."

Such actions, including the flagrant desecration of the Mamilla Cemetery, must be firmly condemned. Urgent efforts must be undertaken to preserve and protect the Mamilla Cemetery, a site of importance to the Palestinian, Arab and Muslim heritage. In this regard, Israel, the occupying Power, must be called upon by the international community to cease all such illegal, deplorable and provocative actions, which constitute yet further attempts by Israel to erase the Palestinian Arab identity, history and presence in the land and particularly in the Holy City of Jerusalem and which risk further inflaming religious sensitivities and destabilizing the very fragile situation on the ground.

I should be grateful if you would arrange to have the present letter distributed as a document of the General Assembly, under agenda items 16, 49 and 67, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations A/64/904–S/2010/448

General Assembly
Security Council

Distr.: General
27 August 2010
English
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General Assembly
Sixty-fourth session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fifth year

Identical letters dated 23 August 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit herewith Lebanon's response (see annex) to the allegations contained in the Israeli letter dated 20 August 2010 (S/2010/440) regarding Lebanese vessels that have been attempting to deliver humanitarian assistance to the Gaza Strip.

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

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Annex to the letter dated 23 August 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On 20 August 2010, the Permanent Representative of Israel to the United Nations transmitted an official letter to Your Excellency which contained a number of falsehoods and slanders.

In refuting the Israeli allegations, Lebanon would like to clarify its position on a number of matters, the most important of which are the following:

- Lebanon condemns the siege imposed by Israel on the Gaza Strip and calls on the international community to bring pressure to bear on Israel to lift that siege immediately and unconditionally, and to open crossing points in order to allow the free movement of persons, goods and humanitarian assistance;
- The Israeli siege of the Gaza Strip is a blatant violation of international laws and norms, particularly international humanitarian law, and clearly threatens international peace and security. Israel bears complete responsibility for the siege and the humanitarian disaster that it will bring about;
- Lebanese law does not permit maritime vessels or craft to sail directly to ports under the control of the Israeli authorities, including the port of Gaza;
- Lebanon abides by the laws regulating the movement of vessels from its ports. It therefore cannot prevent any maritime vessel from setting sail for any port as long as the vessel, the persons on board and its destination are in compliance with Lebanese law, and the vessel observes the provisions of Lebanese maritime law;
- The Lebanese authorities inspect all maritime vessels leaving Lebanese territorial waters in order to ensure that they are not carrying prohibited cargo and that no unauthorized persons are on board. The Lebanese authorities grant maritime vessels and craft permission to leave as long as the destination, cargo and persons on board are in compliance with Lebanese law;
- Lebanon emphasizes the substance of the statement issued by the President of the Security Council on 1 June 2010, in which the Council stressed that the situation in Gaza was not sustainable and underscored the need for sustained and regular flow of goods and persons to Gaza as well as the provision of humanitarian assistance throughout Gaza;
- Lebanon holds Israel responsible for any aggression against it and calls on the international community to bring pressure to bear on Israel to implement fully Security Council resolution 1701 (2006) and to halt its daily violations of Lebanese sovereignty and its continuing threats against Lebanon, its people and infrastructure;
- The Lebanese Government is most solicitous that the international community should succeed in lifting the siege imposed on Gaza, thereby underscoring the importance of implementing international law. Building on that success, the international community could then make a sincere effort to advance the process aimed at achieving a comprehensive and just peace. That process is of vital importance to achieving peace in our region and throughout the world.

(*Signed*) Ali Hussein **Al-Chami**
Minister for Foreign Affairs and Emigrants